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C O N F I D E N T I A L GUATEMALA 001981

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SUBJECT: POLITICAL TENSIONS RELATED TO RIOS MONTT'S
CANDIDACY SUBSIDE

REF: GUATEMALA 1952

Classified By: Charge d'Affairs David Lindwall for reason 1.5 (b) and (d).

1. (SBU) Following the Constitutional Court's controversial July 30 decision to order the Supreme Electoral Tribunal (TSE) and Registry of Persons to register FRG leader Efraim Rios Montt as a presidential candidate in the November elections (reftel), the political opposition and civil society groups have changed their strategy from opposing Rios Montt's candidacy in the courts to a strategy of getting out the anti-Rios Montt vote on election day. Two political parties (the UNE and Partido Patriota) filed motions with the TSE calling on it to disqualify Rios Montt's candidacy, but

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the action was largely symbolic as the TSE has already made it clear it will not go against the instructions of the Constitutional Court. Editorials in all the leading newspapers focused on the importance of educating voters about the ills of keeping the FRG in power, and tacitly accepted that Rios Montt is now a candidate and the decision will be made at the ballot box.

2. (U) In statements to the press, OAS Election Monitoring Mission Chief, Former President of Peru Valentin Paniagua called on all sides to refrain from electoral violence, saying that the events of July 24-25 only cloud the process of free and fair elections. When questioned about the Constitutional Court's decision to allow Rios Montt to be a candidate, Paniagua responded that the Mission would not comment on the legal qualifications of any candidate as that was up to Guatemalan courts to decide.

3. (C) Paniagua's deputy, Moises Benamor, told us that the Mission was in contact with numerous political sectors on July 31, and all had come around to accepting, however reluctantly, the Constitutional Court's decision. He said that at the July 31 meeting of the OAS-sponsored Forum of Political Parties, the opposition parties did not discuss challenging the finding of the Constitutional Court, and spent most of the session discussing ways to bring the FRG back into the forum (Note: opposition party reps expelled the FRG from the forum after the FRG-led violent protests of July 24-25. End note). Benamor told us that there were reports that some in the Supreme Court were upset about the Constitutional Court's decision, but had not been able to come up with a legal strategy to challenge it. Benamor's assessment was that the phase for challenging Rios Montt's candidacy in the courts was now effectively over, and that all sides would focus on winning votes.

4. (C) Comment: Avenues for prolonging the constitutional challenge to Rios Montt's presidential candidacy were effectively closed by the Constitutional Court's July 30 decision, and the registration of his candidacy by the Supreme Electoral Tribunal on July 31. While procedural challenges, like the ones filed by UNE and the Partido Patriota, may continue to crop up, all sides now recognize that Rios Montt will be a candidate and the battle will take place on election day.

LINDWALL